

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MASTERCARD INTERNATIONAL INCORPORATED  
Petitioner

v.

D'AGOSTINO, JOHN  
Patent Owner

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Case IPR2014-00544  
Patent 7,840,486

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**PATENT OWNER'S NOTICE OF APPEAL**

## NOTICE OF APPEAL

Notice is hereby given, pursuant to 37 C.R.F. § 90.2(a), that Patent Owner John D'Agostino hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on August 31, 2015 (Paper 22), the Decision Denying Patent Owner's Request for Rehearing entered on November 10, 2015 (Paper 24), and from all orders, decisions, rulings, and opinions underlying the Final Written Decision.

For the limited purpose of providing the Director with information requested in 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner anticipates that the issues on appeal may include the following, as well as any underlying findings, determinations, rulings, decisions, opinions, claim interpretations, or other related issues:

- Whether the Board erred in finding that claims 1-15 and 22-30 are unpatentable under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,442,462 ("Cohen"); and
- Whether the Board erred in finding that claims 16-21 are unpatentable under 35 U.S.C. § 103(a) as obvious over Cohen in view of U.S. Patent No. 5,826,243 ("Musmanno").

Copies of this Notice of Appeal are being filed simultaneously with the Director of the United States Patent and Trademark Office, the Patent Trial and

IPR2014-00544  
U.S. Patent No. 7,840,486

Patent Owner's Notice of Appeal

Appeal Board, the Clerk's Office for the United States Court of Appeals for the Federal Circuit, and served on the Petitioner.

Respectfully Submitted,

Dated: January 8, 2016

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John D'Agostino

## **CERTIFICATE OF FILING**

I hereby certify that, in addition to being filed electronically through the Patent Trial and Appeal Board's Patent Review Processing System (PRPS), the original version of the foregoing Patent Owner's Notice of Appeal was filed by Express Mail (Express Mail Label No. EK 625286985 US) on this 8th day of January 2016, with the Director of the United States Patent and Trademark Office, at the following address:

Director of the United States Patent and Trademark Office  
c/o Office of the General Counsel  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

## **CERTIFICATE OF FILING**

I hereby certify that a true and correct copy of the foregoing Patent Owner's Notice of Appeal was filed with the Clerk's Office of the United States Court of Appeals for the Federal through the federal courts' Case Management and Electronic Case Files (CM/EFC) system on 8th day of January 2016.

## **CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing Patent Owner's Notice of Appeal was served by agreed-upon E-mail on the following counsel of record for the Petitioner:

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Respectfully submitted,

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